



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/608,299

06/27/2003

Peter Dam Nielsen

684-011404-US(PAR)

9012

2512

7590

07/15/2008

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

07/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/608,299	NIELSEN ET AL.	
	Examiner	Art Unit	
	BINH K. TIEU	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 0208.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 17-28, 30 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17-28, 30, 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-13, 15, 17-28, 30, and 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathews et al. (Pub. No.: US 2004-/0216054 as cited in the previous Office Action) in view of Drury et al. (Pub. No.: US 2004/0104842).

Regarding claims 1 and 13, Mathews et al. ("Mathews") teaches an apparatus and method for modifying skin and theme screens on a portable communication device, such as cellular phone or the like. The portable communication device, as shown in figure 1, comprises processor 12, GPS 39, display 30, alert 34, user input device 37, internal and external memories

Art Unit: 2614

such as external memory 32 and internal memory 24 for storing themes and skins data information, multiple skin and theme types or theme packs 20 (see paragraphs [0019] and [0020]). Mathews also teaches in these paragraphs, the processor 12 can be programmed to dynamically customize a skin and theme displayed on the communication device 10 and to dynamically customize data associated with at least one program for rendering the display based on an event. Mathews further teaches that the event is a trigger on selection of at least one among the skin and theme types 24 which can be occurred upon the event recognizable by the portable communication device 10. The event can be one of the possible events including, i.e., a detection of a change in location using the GPS (i.e., base station identifiers, etc.) (See paragraph [0021]). It means the processor of the portable communication device, upon detection of the change of a location (entering a new location or leaving the service location based on based identifiers received at the portable communication terminal 10), dynamically changes the skin and theme on the terminal display 30 corresponding to the new base station identifier.

It should be noticed that Mathews fails to clearly teach the feature of associating a location with a modified menu structure for an apparatus, and adopting the modified menu structure in the apparatus when the apparatus is at the location. However, Drury et al. (“Drury”) teaches an information system, such as a wireless telephone handset or wireless communication device, for providing services including traffic and navigation services to driver. The system includes storage for storing position data related to different geographic locations. The system can be configured and stored modified menus along with the position data in downloaded new or changed functionality for a purpose of graphically interfacing with an operator (see paragraph [0335]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mathews with the feature of associating the operating characteristic to a modified menu structure, and obviously adopting the modified menu structure when the apparatus is at the location, as taught by Drury into view of Mathews, in order to graphically interface or display to an user of the apparatus.

Regarding claims 2 and 3, as discussed in the claim 1 above, Mathews teaches the processor changes the skins and theme on the display of the communication terminal upon detection of changing in location using the GPS, as described in paragraph [0021]. It should be further understood that the skins and theme are not changed if the portable communication terminal still in the service base station.

Regarding claim 4, Mathews further teaches the types A, B, etc. in paragraph [0020].

Regarding claim 5, Mathews further teaches limitations of the claim in paragraphs [0027]-[0028].

Regarding claim 6, Mathews further teaches the alert 34 in figure 1, paragraph [0019].

Regarding claims 7-9, Mathews further teaches limitations of the claim in paragraphs [0022]-[0023].

Regarding claim 10, Mathews further teaches limitations of the claim in paragraph [0025].

Regarding claim 11, Mathews the display 30, alert 34, user input device 37 and other elements of the communication terminal 10 in figure 1, paragraph [0019].

Regarding claim 12, Mathews further teaches the iconic main menu in paragraph [0024].

Regarding claim 15, Mathews further teaches the internal and external memories such as external memory 32 and internal memory 24 for storing themes and skins data information, multiple skin and theme types or theme packs 20 (see paragraphs [0019] and [0020]).

Regarding claim 17, Mathews teaches an electronic device, having a plurality of user selectable options, comprising:

a user interface having a display and a user input device (i.e., display 30, and user input device 37, as shown in figure 1);

a memory for defining a first theme and a second theme, wherein the first theme defines how an electronic device is controlled by the user input to select an option when the first theme is adopted by the electronic device and the second theme defines how an electronic device is controlled by the user input to select an option when the second theme is adopted by the electronic device (i.e., external memory 32 and internal memory 24 storing skins and themes data information, Types A, B, etc. and theme packs 20, note paragraphs [0019] and [0020]);

selection means for selecting said first theme or said second theme for adoption by the electronic device (i.e., iconic main menu, see paragraph [0024] and use of applets in paragraph [0031]); and

a controller, for controlling the operation of the electronic device at least partially in accordance with the adopted one of the themes (note paragraphs [0019], [0025], [0027], etc.).

It should be noticed that Mathews fails to clearly teach the feature of associating a location with a modified menu structure for an apparatus, and adopting the modified menu structure in the apparatus when the apparatus is at the location. However, Drury et al. (“Drury”) teaches an information system, such as a wireless telephone handset or wireless communication

Art Unit: 2614

device, for providing services including traffic and navigation services to driver. The system includes storage for storing position data related to different geographic locations. The system can be configured and stored modified menus along with the position data in downloaded new or changed functionality for a purpose of graphically interfacing with an operator (see paragraph [0335]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mathews with the feature of associating the operating characteristic to a modified menu structure, and obviously adopting the modified menu structure when the apparatus is at the location, as taught by Drury into view of Mathews, in order to graphically interface or display to an user of the apparatus.

Regarding claim 18, Mathews further teaches that a user is allowed to customize or personalize various screens on a portable communication product using a single theme pack (see paragraph [0028]). Mathews further teaches that the user can program his or her portable communication terminal to automatically change the skin and theme based on predetermined event, i.e., when an incoming call from a girlfriend, hearts and flowers will be displayed on the communication device along with love music (see paragraph [0031]), or if his or her friend call from different location, i.e., from Florida or Chicago, different skins and themes changed on the display of the communication device (see paragraph [0032]). Therefore, Mathews inherently teaches a plurality of user selectable options of skins and themes, theme packets, applet, etc.

Regarding claim 19, Mathews further teaches the iconic main menu in paragraph [0024].

Regarding claim 20, Mathews further teaches limitations of the claim in paragraph [0028].

Art Unit: 2614

Regarding claim 21, Mathews further teaches the alert 34 in figure 1, paragraph [0019].

Regarding claims 22-24, Mathews further teaches limitations of the claims in paragraphs [0022]-[0023] and [0028].

Regarding claims 25-27, Mathews further teaches limitations of the claims in paragraphs [0021], [0025] and [0032].

Regarding claim 28, Mathews teaches a method of customizing the manner in which an electronic device, having a plurality of user selectable options, is controlled by a user to select an option, comprising the steps of:

providing a first theme defining how an electronic device is controlled by a user to select an option when the first theme is adopted by the electronic device (i.e., a user customizes the functionality of his communication device for receiving incoming calls from his girlfriend so that hearts and flowers will be appeared on the display of his communication device, see paragraph [0031]);

providing a second theme that defines how an electronic device is controlled by the user to select an option when the second theme is adopted by the electronic device (i.e., a user customizes his communication device so that incoming call or going call from location such as Florida and/or Chicago, Miami Dolphins insignia or Chicago Bear will be displayed on their wallpaper backplash, see paragraph [0032]); and

selecting the first theme or the second theme for adoption by the electronic device (see paragraphs [0021], [0025] and [0027]).

It should be noticed that Mathews fails to clearly teach the feature of associating a location with a modified menu structure for an apparatus, and adopting the modified menu

Art Unit: 2614

structure in the apparatus when the apparatus is at the location. However, Drury et al. (“Drury”) teaches an information system, such as a wireless telephone handset or wireless communication device, for providing services including traffic and navigation services to driver. The system includes storage for storing position data related to different geographic locations. The system can be configured and stored modified menus along with the position data in downloaded new or changed functionality for a purpose of graphically interfacing with an operator (see paragraph [0335]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mathews with the feature of associating the operating characteristic to a modified menu structure, and obviously adopting the modified menu structure when the apparatus is at the location, as taught by Drury into view of Mathews, in order to graphically interface or display to an user of the apparatus.

Regarding claim 30, Mathews further teaches limitations of the claim in paragraph [0034].

Regarding claim 32, Mathews teaches a mobile electronic device, having a plurality of user selectable options, comprising:

a user interface having a display and a user input device (i.e., display 30, and user input device 37, as shown in figure 1);

a memory for associating a first theme with first location, wherein the first theme defines how an electronic device is controlled by the user input to select an option when the first theme is adopted by the electronic device; (i.e., external memory 32 and internal memory 24 storing

Art Unit: 2614

skins and themes data information, Types A, B, etc. and theme packs 20, note paragraphs [0019] and [0020]);

detection means for automatically detecting when the mobile device is at the first location (see paragraph [0021]);

selection means for selecting said first theme for adoption by the electronic device when the mobile device is at the first location (i.e., iconic main menu, see paragraph [0024] and use of applets in paragraph [0031]); and

a controller, for controlling the operation of the electronic device at least partially in accordance with the adopted one of the themes (note paragraphs [0019], [0025], [0027], etc.).

It should be noticed that Mathews fails to clearly teach the feature of associating a location with a modified menu structure for an apparatus, and adopting the modified menu structure in the apparatus when the apparatus is at the location. However, Drury et al. (“Drury”) teaches an information system, such as a wireless telephone handset or wireless communication device, for providing services including traffic and navigation services to driver. The system includes storage for storing position data related to different geographic locations. The system can be configured and stored modified menus along with the position data in downloaded new or changed functionality for a purpose of graphically interfacing with an operator (see paragraph [0335]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mathews with the feature of associating the operating characteristic to a modified menu structure, and obviously adopting the modified menu

Art Unit: 2614

structure when the apparatus is at the location, as taught by Drury into view of Mathews, in order to graphically interface or display to an user of the apparatus.

Regarding claim 33, Mathews teaches a method of customizing the manner in which an electronic device, having a plurality of user selectable options, is controlled by a user to select an option, comprising the steps of:

providing a first theme defining how an electronic device is controlled by a user to select an option when the first theme is adopted by the electronic device (i.e., a user customizes the functionality of his communication device for receiving incoming calls from his girlfriend so that hearts and flowers will be appeared on the display of his communication device, see paragraph [0031]);

detection means for automatically detecting when the mobile device is at the first location (see paragraph [0021]); and

selecting the first theme or the second theme for adoption by the electronic device (see paragraphs [0021], [0025] and [0027]).

It should be noticed that Mathews fails to clearly teach the feature of associating a location with a modified menu structure for an apparatus, and adopting the modified menu structure in the apparatus when the apparatus is at the location. However, Drury et al. (“Drury”) teaches an information system, such as a wireless telephone handset or wireless communication device, for providing services including traffic and navigation services to driver. The system includes storage for storing position data related to different geographic locations. The system can be configured and stored modified menus along with the position data in downloaded new or

Art Unit: 2614

changed functionality for a purpose of graphically interfacing with an operator (see paragraph [0335]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mathews with the feature of associating the operating characteristic to a modified menu structure, and obviously adopting the modified menu structure when the apparatus is at the location, as taught by Drury into view of Mathews, in order to graphically interface or display to an user of the apparatus.

Regarding claims 34 and 35, as discussed in the claim 13 above, Mathews teaches the processor changes the skins and theme on the display of the communication terminal upon detection of changing in location using the GPS, as described in paragraph [0021]. It should be further understood that the skins and theme are not changed if the portable communication terminal still in the service base station.

Regarding claim 36, Mathews further teaches the types A, B, etc. in paragraph [0020].

Regarding claim 37, Mathews further teaches limitations of the claim in paragraphs [0027]-[0028].

Regarding claim 38-39, Mathews further teaches the alert 34 in figure 1, paragraph [0019], [0022] and [0023]...

Regarding claim 40, Mathews further teaches limitations of the claim in paragraph [0025].

Regarding claim 41, Drury inherently teaches the feature of display a modified menu structure from teaching in paragraph [0335].

Art Unit: 2614

Response to Arguments

3. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Or faxed to:

**(703) 872-9314 or (571) 273-8300 (for formal communications; please
"EXPEDITED PROCEDURE")**

mark

Or:

**If it is an informal or draft communication, please label
"PROPOSED" or "DRAFT")**

Hand Carry Deliveries to:

**Customer Service Window
(Randolph Building)
401 Dulany Street
Alexandria, VA 22314**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN**

Art Unit: 2614

**MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER
SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BINH K. TIEU/
Primary Examiner
Technology Division 2614

Date: July 2008